

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA, Plaintiff, vs. KHAALID ADAM ABDULKADIR, Defendant.	0:16-CR-00002-KES-VLD ORDER DENYING DEFENDANT'S MOTION FOR DISCLOSURE OF CONFIDENTIAL INFORMANT INFORMATION [DOCKET NO. 54]
--	--

Defendant Khaalid Adam Abdulkadir filed a motion seeking immediate disclosure from the government of the names and addresses of any confidential informants or cooperating individuals (collectively “CIs”) who worked with or were used by the government in their investigation of his case if: (1) such CI actively participated in the offenses charged, (2) were witnesses to the offenses charged, or (3) if the identities would otherwise be useful to the defendant. See Docket No. 54. Mr. Abdulkadir asserts these discovery requests are made pursuant to Rovario v. United States, 353 U.S. 53, 61 (1957); United States v. Kitchen, 480 F.2d 1222, 1223 (8th Cir. 1973); and Devose v. Norris, 53 F.3d 201, 206-07 (8th Cir. 1995). Defendant also seeks an order making the CIs available for interview by his counsel, and to disclose numerous categories of information about each CI, such as other cases they have worked in, their criminal histories, compensation given to them, etc.

The pending motion is nearly identical, and is identical in substance, to a motion previously filed by Mr. Abdulkadir on December 22, 2015. Compare

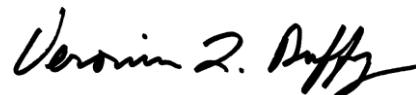
Docket Nos. 21 & 22 with Docket Nos. 54 & 55. The government's response to Mr. Abdulkadir's present motion is the same as its response to his earlier motion last month. Compare Docket No. 37 with Docket No. 67.

The court denied Mr. Abdulkadir's previous motion because the burden is on Mr. Abdulkadir to establish facts to overcome the informer's privilege and he had not carried that burden. See Docket No. 40. In addition, Mr. Abdulkadir had not demonstrated in the four corners of the motion that he had tried to resolve his discovery dispute with government counsel prior to filing the motion. Id. Finally, the court found Mr. Abdulkadir's motion premature. Id. The court denies Mr. Abdulkadir's present motion on the same grounds, incorporating by reference herein the court's prior order. Accordingly, it is hereby

ORDERED that the motion for disclosure by defendant [Docket No. 54] is denied on the same grounds as set forth in the court's earlier opinion at Docket No. 40.

DATED January 25, 2016.

BY THE COURT:



VERONICA L. DUFFY
United States Magistrate Judge